

JAN 24 2013

A BILL FOR AN ACT

RELATING TO BROADBAND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 27, Hawaii Revised Statutes, is amended
2 by adding a new section to part VII to be appropriately
3 designated and to read as follows:

4 **"§27- Broadband-related permits; automatic approval.**

5 (a) The State shall approve, approve with modification, or
6 disapprove all applications for broadband-related permits within
7 sixty business days of submission of a complete permit
8 application and full payment of any applicable fee. If, on the
9 sixty-first business day, an application is not approved,
10 approved with modification, or disapproved by the State, the
11 application shall be deemed approved by the State.

12 (b) Permits issued pursuant to this section shall contain
13 the following language: "This is a broadband-related permit
14 issued pursuant to section 27- , Hawaii Revised Statutes."

15 (c) No action shall be prosecuted or maintained against
16 the State, its officials, or employees on account of actions
17 taken in reviewing, approving, modifying, or disapproving a
18 permit application.



1 (d) The sixty business day time period established by this
2 section shall be extended in the event of a natural disaster,
3 state emergency, or union strike that prevents the applicant,
4 agency, or department from fulfilling application review
5 requirements.

6 (e) If an application is incomplete, the State shall
7 notify the applicant in writing within ten business days of
8 submittal of the application. The notice shall inform the
9 applicant of the specific requirements necessary to complete the
10 application. The sixty business day automatic approval
11 provisions under subsection (a) shall continue to apply to the
12 application only if the applicant satisfies the specific
13 requirements of the notice and submits a complete application
14 within five business days of receipt of the notice.

15 (f) The upgrading and replacement of, and access to, any
16 utility pole or conduit in relation to a broadband-related
17 permit application subject to this section shall be in
18 conformance with section 3 of Act 151, Session Laws of Hawaii
19 2011.

20 (g) For the purposes of this section, "broadband-related
21 permits" means all state permits required to commence actions
22 with respect to the installation, improvement, construction, or



1 development of infrastructure relating to broadband service or
2 broadband technology, including the interconnection of
3 telecommunications cables, cable installation, tower
4 construction, and undersea boring, or the landing of an undersea
5 cable. The term does not include any state permit for which the
6 approval of a federal agency is explicitly required pursuant to
7 federal law, rule, or regulation, prior to granting final permit
8 approval by the State."

9 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
10 by adding a new section to be appropriately designated and to
11 read as follows:

12 **"§46- Broadband-related permits; automatic approval.**

13 (a) A county shall approve, approve with modification, or
14 disapprove all applications for broadband-related permits within
15 sixty business days of submission of a complete permit
16 application and full payment of any applicable fee. If, on the
17 sixty-first business day, an application is not approved,
18 approved with modification, or disapproved by the county, the
19 application shall be deemed approved by the county.

20 (b) Permits issued pursuant to this section shall contain
21 the following language: "This is a broadband-related permit
22 issued pursuant to section 46- , Hawaii Revised Statutes."



1 (c) No action shall be prosecuted or maintained against
2 any county, its officials, or employees on account of actions
3 taken in reviewing, approving, modifying, or disapproving a
4 permit application.

5 (d) The sixty business day time period established by this
6 section shall be extended in the event of a natural disaster,
7 state emergency, or union strike that prevents the applicant,
8 agency, or department from fulfilling application review
9 requirements.

10 (e) If an application is incomplete, the county agency
11 shall notify the applicant in writing within ten business days
12 of submittal of the application. The notice shall inform the
13 applicant of the specific requirements necessary to complete the
14 application. The sixty business day automatic approval
15 provisions under subsection (a) shall continue to apply to the
16 application only if the applicant satisfies the specific
17 requirements of the notice and submits a complete application
18 within five business days of receipt of the notice.

19 (f) The upgrading and replacement of, and access to, any
20 utility pole or conduit in relation to a broadband-related
21 permit application subject to this section shall be in



1 conformance with section 3 of Act 151, Session Laws of Hawaii
2 2011.

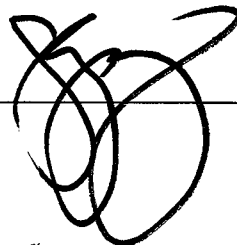
3 (g) For the purposes of this section, "broadband-related
4 permits" means all county permits required to commence actions
5 with respect to the installation, improvement, construction, or
6 development of infrastructure relating to broadband service or
7 broadband technology, including the interconnection of
8 telecommunications cables, cable installation, tower
9 construction, and undersea boring, or the landing of an undersea
10 cable. The term does not include any county permit for which
11 the approval of a federal agency is explicitly required pursuant
12 to federal law, rule, or regulation, prior to granting final
13 permit approval by a county."

14 SECTION 3. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval
16 and shall be repealed on June 30, 2018; provided that this Act
17 shall apply to permit applications filed with the State or
18 county after December 31, 2013.

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INTRODUCED BY: _____



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S.B. NO. 941

Report Title:

Broadband Permits; Automatic Approval; Construction

Description:

Requires the State and the counties to approve, approve with modification, or disapprove all broadband-related permits within sixty business days of submitting a permit application and a fee; provided that if no action is taken on the sixty-first business day, the application will be deemed approved. Effective upon approval, and repealed on June 30, 2018.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

